

(Washington, DC) Today, Congressman Alcee L. Hastings (D-Miramar) testified before the Subcommittee on Disability Assistance & Memorial Affairs of the House Committee on Veterans Affairs regarding legislation that he introduced entitled, the *Veterans Pensions Protection Act of 2010* (H.R. 4541). The bill would protect veterans from losing their pension benefits because they received payments to cover expenses incurred after an accident, theft, loss or casualty loss. **(Please find attached a copy of the bill.)**

Please find below a copy of Congressman Hastings' prepared remarks:

"In the spring of 2009, one of my constituents, a navy veteran with muscular dystrophy, reached out to my office in desperate need of assistance. The Department of Veterans Affairs (VA) had abruptly cancelled his pension and he had fallen below the poverty line. Unable to pay for daily expenses, unable to meet his mortgage payments, Mr. Scriber was on the verge of losing his home and joining the ranks of the 100,000 homeless veterans in our nation.

"Mr. Scriber did not break the law, nor did he commit any crime. In March 2008, he was hit by a truck when crossing the street in his wheelchair, with his service dog. Mr. Scriber was on his way to the pharmacy. 'People who saw it said I went 10 feet into the air. I landed head-first into the pavement,' he told me. Mr. Scriber suffered from broken bones and teeth. His dog was also injured and his wheelchair destroyed.

"As a law-abiding citizen, Mr. Scriber reported to the VA the insurance settlement payment that he received from the driver's insurance to cover his medical expenses and the replacement cost of his wheelchair. As a result, the VA cancelled his pension benefits for an entire year. When assessing a veteran's eligibility for a pension, the VA considers a variety of sources of revenue to determine a veteran's annual income. If such income exceeds the income limit set by the VA, the veteran does not qualify for a pension or loses their benefits. Currently, the VA considers any reimbursement that compensates a veteran for his or her expenses due to accidents, theft or loss as income. Only reimbursements of expenses related to casualty loss are currently exempted from determination of income.

“Under the current law, if a veteran is seriously injured in an accident or is the victim of a theft and receives insurance compensation to cover his or her medical expenses, the replacement cost of the stolen items, or for pain and suffering, he or she will likely lose their pension as a result. This means that the law effectively punishes veterans when they suffer from such an accident or theft.

“Mr. Scriber reached out to the VA several times, asking to have his pension reinstated because he could not cover his medical expenses, replace his wheelchair, pay for daily expenses, and afford his mortgage without his pension. Each time, the VA refused to reinstate his pension. This is when I became personally involved. I contacted the West Palm Beach VA medical center and wrote several letters to Secretary Shinseki but the VA did not change its policy, nor did they restore Mr. Scriber’s benefits for a whole year.

“I am distraught that the VA can cancel the pensions of unemployed and disabled veterans without further notice. The VA has a moral responsibility to care for our veterans and ensure that they live decent lives. After serving our nation so valiantly, they deserve no less than the very best benefits. No veterans should be unable to pay their medical bills, unable to get the care that they need, or be in a situation where they could lose their home. This is simply unacceptable and this is why I introduced H.R. 4541, the *Veterans Pensions Protection Act*.

“The *Veterans Pensions Protection Act* will amend the US Code to exempt the reimbursement of expenses related to accidents, theft, loss or casualty loss from being included in the determination of a veteran’s income. This will guarantee the continuity of our veterans’ pensions and that no veteran will have their benefits unfairly and abruptly depreciated or cancelled. My distinguished colleague in the Senate, Mr. Tester of Montana introduced the *Veterans Pensions Protection Act* last month after a similar incident happened to one of his constituents.

“I understand that the VA is facing increasing issues with regards to providing care and benefits to our returning servicemembers, and the veterans of previous conflicts. With more veterans coming home from Iraq and Afghanistan, the costs of transition and long-term care continue to increase. The backlog of claims filed by those who served in uniform is growing. While I understand these difficulties, I refuse to let them overtake our veterans’ well-being. The VA must ensure that no veterans are left behind, like Mr. Scriber was.

“There is clearly something wrong with a law that cancels veterans’ pensions for a whole year

following the award of an insurance payment, which was only intended to cover exceptional medical expenses. Mr. Scriber will never be compensated for his loss. It disheartens me that veterans are overlooked and mistreated due to flaws in VA regulations. I urge the VA to support the *Veterans Pensions Protection Act* and the Subcommittee on Disability Assistance and Memorial Affairs to take action on it.

“Mr. Chairman, we must ensure that pension benefits are issued to veterans who legitimately meet the income criteria and rely on such assistance to survive. We must enact regulations that help veterans live better lives, not hurt them. Our veterans have shown their devotion to our nation with their bravery and sacrifice. We must now prove our dedication to those heroes by treating them in accordance with the values and ideals upon which we have founded this great nation.”

Congressman Alcee L. Hastings is Vice Chairman of the House Permanent Select Committee on Intelligence, a senior member of the House Rules Committee, and Co-Chairman of the U.S. Helsinki Commission.

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 [Veterans Pensions Protection Act.pdf](#)